

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRYANT JA JUAN LEE CULBERSON,	:	
	:	
Plaintiff,	:	Case No. 2:22-cv-3671
	:	
v.	:	CHIEF JUDGE MARBLEY
	:	
FRANKLIN COUNTY CORRECTIONAL	:	Magistrate Judge Deavers
CENTER, II, et al.,	:	
	:	
Defendants.	:	

ORDER


On December 13, 2022, the United States Magistrate Judge issued a Report and Recommendation (ECF No. 9) recommending that this Court dismiss Plaintiff’s *pro se* Complaint (ECF No. 8) pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). The Magistrate Judge found that, even read liberally to raise claims under 42 U.S.C. § 1983, Plaintiff’s Complaint “failed to state a claim upon which relief may be granted against any of the Defendants.” (ECF No. 9 at 5). For that reason, the Magistrate Judge further recommended that this Court certify pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting its Report and Recommendation would not be taken in good faith. (*Id.* at 19).

The Report and Recommendation informed the parties of their right to object within fourteen days. It also specifically advised the parties of the rights they would waive by failing to object, including the right to *de novo* review by the District Judge. (*Id.* at 19–20). No objections have been filed, and the deadline lapsed on December 27, 2022.

This Court hereby **ADOPTS** the Report and Recommendation based on its independent consideration of the analysis therein. Plaintiff’s Complaint is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1) for failure to state a claim upon

which relief may be granted. Because reasonable jurists would not disagree with this conclusion, Plaintiff is denied a certificate of appealability, and this Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: May 1, 2023